

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**'08 MJ 8662**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rafael PIZA-Eligio,

Defendant.

Mag. Case No.

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326  
Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about July 19, 2008, within the Southern District of California, defendant Rafael PIZA-Eligio, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e. conscious desire, to enter the United States without the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, after having been previously excluded, deported and removed from the United States to Mexico, and not having obtained said express consent to reapply for admission thereto; and committed an overt act, to wit, crossing the border from Mexico into the United States, that was a substantial step towards committing the offense, all in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

\_\_\_\_\_  
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21<sup>st</sup> DAY OF JULY 2008.

\_\_\_\_\_  
PETER C. LEWIS  
U.S. MAGISTRATE JUDGE

I, Senior Border Patrol Agent Juan J. Suarez declare under penalty of Perjury, the following is true and correct:

### PROBABLE CAUSE STATEMENT

The complainant states that this complaint is based upon the statements of the apprehending Border Patrol Agent, J. Domenech that the Defendant was found and arrested on July 19, 2008, east of Calexico, California.

At approximately 3:00 a.m., Remote Video Surveillance System (RVSS). Operator's observed a group of twelve individuals cross into the United States illegally. RVSS operators immediately informed BPA Domenech of their observations. RVSS operators also notified BPA Domenech that the twelve individuals were heading north of the All American Canal towards Highway 98.

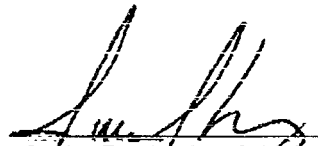
BPA Domenech observed the group approaching Highway 98. BPA Domenech approached the individuals and identified himself as a United States Border Patrol Agent. BPA Domenech conducted a field immigration interview and questioned each individual as to their citizenship and nationality. All twelve individuals including a male, later identified as Rafael PIZA-Eligio, stated they were citizens and nationals of Mexico illegally in the United States. All twelve individuals were subsequently placed under arrest.

Records checks revealed that PIZA had been ordered removed from the United States on March 10, 2003. Further checks also revealed a criminal history.

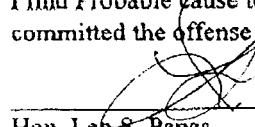
At approximately 8:40 A.M. PIZA was read his Miranda Rights by BPA Gurrola, which was witnessed by BPA Diskin. PIZA stated that his final destination was Los Angeles, California. PIZA stated that he was born on October 11, 1977 in Acapulco, Guerrero, Mexico. PIZA stated that he last crossed into the United States by crossing a canal.

There is no evidence that PIZA has sought or been granted permission by the United States Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States after being removed.

Executed on July 19, 2008 at 1:15 p.m.

  
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of one page, I find Probable Cause to believe that the defendant named in this probable cause statement committed the offense on July 19, 2008 in violation of Title 8, United States Code, 1326.

  
Hon. Leo S. Papas  
United States Magistrate Judge

07/20/08 - 11:33 AM  
Date/Time